

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PAUL MICHAEL PEPE,

Plaintiff,

-against-

ANDREW M. SAUL, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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DATE FILED: 2/11/2025

20 Civ. 2717 (AT) (HJR)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

Plaintiff, Paul Michael Pepe, filed this social security action on April 1, 2020. ECF No. 1. On April 14, 2020, the Court referred the matter to the Honorable James L. Cott. ECF No. 8. After a remand to the Social Security Administration (“SSA”) and an award of past-due benefits, Plaintiff now seeks an award of \$18,881 in attorneys’ fees, payable out of his past-due disability benefits, for the work that counsel performed in this action. *See* ECF Nos. 35–37. The Court referred the motion to the Honorable Henry J. Ricardo for a report and recommendation. ECF No. 38.

After careful consideration, Judge Ricardo issued a report (the “R&R”) recommending that Plaintiff’s motion be granted. *See generally* R&R, ECF No. 41. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has now passed. *See id.* at 9; Fed. R. Civ. P. 72(b)(2). Because no objection was made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, No. 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error in Judge Ricardo’s thorough and well-reasoned R&R.

Accordingly, the Court ADOPTS the R&R in its entirety. Plaintiff’s motion is GRANTED. The SSA is directed to approve a payment of \$18,881 to Plaintiff’s counsel, payable out of Plaintiff’s past-due benefits, pursuant to 42 U.S.C. § 406(b). Counsel for Plaintiff shall, upon receipt of the § 406(b) award, refund \$8,970.20 to Plaintiff. *See* R&R at 2–3.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 35.

SO ORDERED.

Dated: February 11, 2025
New York, New York



ANALISA TORRES
United States District Judge